

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a), 37 CFR 1.155(b) OR 37 CFR 1.316(b)

Docket Number (Optional)

#24

First named inventor: FENN, JOHN B

Group Art Unit: 2506

Application Number: 07/911,405

Examiner: NGUYEN, K

Filed: 07/10/92

Title: A COMPOSITION OF MATTER OF MULTIPLY CHARGED
DERIVED FROM POLYATOMIC PARENT MOLECULAR SPECIES

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

RECEIVED
FEB 8 1996
OFFICE OF PETITIONS
U.S. DEPARTMENT OF COMMERCE

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to the Office action mailed on 07/10/95, which set a 3 month/day period for response. The abandonment date of this application is 10/10/95 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proposed response and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee (if petition is filed more than 6 months after abandonment date) - required for all applications filed before June 8, 1995 and all design applications filed on or after June 8, 1995; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☒ small entity - fee \$ 55 (37 CFR 1.17(l)).
- ☐ small entity statement enclosed herewith.
- ☒ small entity statement previously filed.
- ☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Proposed response and/or fee

A. The proposed response to the above-noted Office action in the form

- ☒ of Response to Examiner's Amendment (identify the type of response):
was previously filed on 10/10/95

☒ is enclosed herewith. ISSUE Fee Transmittal - Omitted From 10/10/95 Response

B. The issue fee of \$ 605 stated on notice of allowance

- ☒ was previously paid on 10/10/95 (see attached copy)
- ☒ is enclosed herewith. \$20.00, the amount by which fee rose on 01/10/95
(Thus, enclosed Money Order is for \$55 + \$20 = \$75)

Burden Hour Statement: This form is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231-CK**

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ Since this petition is filed within 6 months of the abandonment date no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

4. Adequate showing of the cause of unavoidable delay is enclosed.

01/22/96

Date

Signature

Telephone

Number: (804) 828-7511

Typed or printed name

Address

Enclosures: ☒ Declarations establishing unavoidable delay

☒ Fee Payment

☒ Response

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☒ ^① Copy of original money order ^② Copy of PART B - ISSUE FEE TRANSMITTAL
^③ Copy of Notice of Abandonment; FORM

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

23 Jan 1996

Date

Signature

JOHN. B. FENN

Typed or printed name of person signing Certificate



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UNAVOIDABLY UNDER 37 CFR 1.137(a), 37 CFR 1.155(b) OR 37 CFR 1.316(b)

NOTE: The following showing of the cause of unavoidable delay must be in the form of a declaration and must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

The undersigned declares that the following statements made of his/her own knowledge are true, and that these statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

01/22/96

Date

Signature

JOHN B FENN

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper response)

The notice of allowability for all claims in this application was mailed to me on 7/10/95. It stated that a fee of \$605 was due by 10/10/94. On that date I mailed a Post Office Money Order along with a response to the Office Action 7/10/95 in which the Examiner had proposed amendments to the claims to put them in allowable form. A certificate of mailing was appended to my response. On 12/07/95 a Notice of Abandonment was mailed to me on the grounds that I had failed to pay the required issue fee. After a series of telephone calls I finally learned from the Petitions Office that the reason for the Notice of Abandonment was that the fee had gone up \$20 on 10/01/95 so that I should have sent \$625 instead of \$605. I think that part of the problem in my attempts to track down this problem arose from my error in failing to note that the Fee Transmittal Form should have accompanied the fee. I apologize for that omission and enclose that form along with a Money Order for \$75 to cover the \$20 due on the issue fee as well as the \$55 fee for this Petition.

I respectfully suggest that I had every reason to believe the statement on the Notice of Allowability indicating clearly that the amount due by 10/10/95 was \$605. I paid that amount in good faith, having had no way of knowing that the fee had changed on 10/1/95. Therefore I respectfully request that the application be revived.

(Please attach additional sheets if additional space is necessary)

PART B—ISSUE FEE TRANSMITTAL

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to addressee entered in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate "FEE ADDRESS" for maintenance fee notifications with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.

1. CORRESPONDENCE ADDRESS	2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)
<p>10-10-95</p> <p>PETER L. BERGER LEVISohn, LERNER & BERGER 757 THIRD AVE., RM. 2400 NEW YORK, NY 10017</p> <p>BSM1/0710</p>	INVENTOR'S NAME JOHN B. FENN
	Street Address 4909 CARY ST. RD.
	City, State and ZIP Code Richmond VA 23226
	CO-INVENTOR'S NAME CHIN KAI MENG
	Street Address 3 ASTON CIRCLE
	City, State and ZIP Code HOCKESSIN, DE 19707
<input checked="" type="checkbox"/> Check if additional changes are on reverse side	

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
First Named Applicant	JOHN B. FENN			

TITLE OF INVENTION

A COMPOSITION OF MATTER OF A POPULATION OF MULTIPLY CHARGED IONS
DERIVED FROM POLYATOMIC PARENT MOLECULAR SPECIES
(AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
			UTILITY	YES	\$495.00	10/10/95

3. Correspondence address change (Complete only if there is a change)	4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.
JOHN B FENN 4909 CARY ST. RD RICHMOND, VA 23226	1 _____ 2 _____ 3 _____

DO NOT USE THIS SPACE

5. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (print or type)		6a. The following fees are enclosed:	
(1) NAME OF ASSIGNEE:	JOHN B. FENN	<input checked="" type="checkbox"/> Issue Fee	<input type="checkbox"/> Advance Order - # of Copies _____
(2) ADDRESS: (CITY & STATE OR COUNTRY)	4909 CARY ST. RD. RICHMOND, VA 23226	6b. The following fees should be charged to:	
		DEPOSIT ACCOUNT NUMBER _____	
		(ENCLOSE PART C)	
		<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Advance Order - # of Copies _____
		<input type="checkbox"/> Any Deficiencies in Enclosed Fees	
A. <input type="checkbox"/> This application is NOT assigned. <input checked="" type="checkbox"/> Assignment previously submitted to the Patent and Trademark Office. <input type="checkbox"/> Assignment is being submitted under separate cover. Assignments should be directed to Box ASSIGNMENTS.		The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee to the application identified above.	
PLEASE NOTE: Unless an assignee is identified in Block 5, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.		(Authorized Signature) John B Fenn	(Date) 1/22/96
NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.			

1. TRANSMIT THIS FORM WITH FEE-CERTIFICATE OF MAILING ON REVERSE

Grel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John B. Fenn, et al :

Serial No.: 07/911,405 :

PATENT

Filed: July 10, 1992 :

Docket: Orig. Attny: 840.004 :

Pres. Attny: JBF.MCI :

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT AND RESPONSE

Sir:

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT
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PAY TO <i>Commissioner of Patents & Trademarks</i>		CHECKWRITER IMPRINT AREA		
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C.O.D. NO. OR USED FOR		ADDRESS <i>4909 Cass St Richmond VA 23226</i>		

This receipt is your guarantee for a refund of your money order if it is lost or stolen, provided you fill in the Pay-To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment. If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office.

An inquiry Form 6401 may be filed at any time for a fee. A replacement will not be issued until 60 days after the money order purchase date, provided the money order has not been paid.

In The Claims:

Claim 67, line 1-7, "a population.....not less than five"
change to --one or more populations of multiply charged ions
derived from a sample comprising one or more distinct polyatomic
parent molecular species, all molecules of any one of said distinct
polyatomic parent molecular species having substantially the same
molecular weight and chemical identity, the number of charges on
each ion in said composition of matter defining that ion's charge

I hereby certify that this correspondence is being deposited with the U.S
Postal Service as First Class Mail, in an envelope addressed to the Commissioner
of Patents and Trademarks, Washington, DC 20231 on 10 October 1995.

By

John B. Fenn
John B. Fenn